

EXHIBIT 5

**REDACTED VERSION
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. 3:17-cv-00939-WHA

WAYMO LLC,)
)
Plaintiff,)
)
v.)
)
UBER TECHNOLOGIES, INC.;)
OTTOMOTTO LLC;)
OTTO TRUCKING,)
)
Defendants.)

HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF

NICHOLAS GICINTO

DATE TAKEN: DECEMBER 21, 2017

REPORTED BY:

PAUL J. FREDERICKSON, CCR, CSR

JOB NO. 2771353

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1 chat feature. It was not always convenient to 09:21:50
2 make a phone call. So I would use the chat 09:21:53
3 if -- if I needed to send a quick message or if 09:21:57
4 I needed to collaborate with my colleagues or 09:22:00
5 my teammates, you know, on an issue where 09:22:03
6 multiple opinions would be useful and where 09:22:07
7 sometimes rapid communication was -- was 09:22:13
8 needed. 09:22:16

9 Q. You could do a group chat feature 09:22:18
10 through Wickr; is that right? 09:22:20

11 A. Correct. 09:22:21

12 Q. Is it fair to say that the primary 09:22:22
13 benefits of using Wickr were that the 09:22:24
14 communications were ephemeral and secure or 09:22:27
15 encrypted? 09:22:30

16 A. From my perspective, the primary 09:22:33
17 benefit was that the communication was secure. 09:22:38

18 Q. Was another benefit that they 09:22:40
19 were -- that the communications were ephemeral? 09:22:41
20 So they couldn't be discovered later? 09:22:43

21 A. I mean, it was a feature. And 09:22:45
22 ephemerality is a feature of Wickr, yes. It 09:22:47
23 isn't always necessarily a benefit if it's 09:22:51
24 difficult, when you're collaborating on a 09:22:54
25 project, to remember the conversation when 09:22:56

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1 helpful for them -- for them to assess the 09:38:13
2 state of the technology and how well the cars 09:38:17
3 performed on the road as a litmus test against 09:38:19
4 where our own vehicles were and how they 09:38:22
5 performed. 09:38:24

6 Q. Did your group do that 09:38:25
7 surveillance? 09:38:28

8 A. Yes. 09:38:28

9 Q. Was that on one occasion or more 09:38:34
10 than one occasion? 09:38:35

11 A. Related to Waymo vehicles, one 09:38:38
12 occasion. 09:38:40

13 Q. And can you tell me who went on 09:38:42
14 that trip, and how many days did it transpire 09:38:44
15 over? 09:38:48

16 A. Again, approximately three to five 09:38:49
17 days. It was from SSG, Jake Nocon, Ed Russo. 09:38:51

18 Q. Anyone else? 09:38:59

19 A. Not from SSG. Not from Uber. 09:39:00

20 Q. Okay. 09:39:00

21 Were there any LAT operatives on 09:39:03
22 these trips? 09:39:05

23 A. I don't know. 09:39:08

24 Q. As far as you know, in connection 09:39:10
25 with the Waymo -- in connection with the 09:39:11

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1	A.	Yes. We played it over Zoom.	09:52:47
2	Q.	What was the feedback that you got	09:52:50
3		from Mr. Levandowski or Mr. Ron?	09:52:52
4	A.	As I recall, it was rather	09:52:54
5		uneventful.	09:52:57
6	Q.	How long did that meeting last?	09:52:58
7	A.	I don't recall.	09:53:00
8	Q.	Was it more than an hour?	09:53:01
9	A.	I don't think so.	09:53:03
10	Q.	Was there any followup with	09:53:05
11		respect to the Waymo briefing or the Waymo	09:53:07
12		surveillance after the April 13 or 14 meeting?	09:53:10
13	A.	No, there were no further requests	09:53:14
14		related to Waymo after that, that I recall.	09:53:16
15	Q.	After April 13 or 14, did you do	09:53:22
16		any surveillance of Waymo vehicles or did	09:53:26
17		anyone on your team do that?	09:53:30
18	A.	No.	09:53:30
19	Q.	What's the April 7, 2017, notation	09:53:39
20		that you have here? It says: [REDACTED] briefing	09:53:42
21		for TK." Can you tell me what that is?	09:53:48
22	A.	Sure.	09:53:52
23		After the presentation to Anthony	09:53:52
24		Levandowski on March 30 or 31 related to the	09:53:53
25		condensed [REDACTED] video, Mr. Levandowski asked	09:53:56

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1 at the -- the email from Joe Sullivan to 10:08:02

2 refresh my memory on that. 10:08:08

3 Q. Aside from the email from Joe 10:08:09

4 Sullivan, do you know of any reason why the 10:08:13

5 company stopped using Wickr? 10:08:16

6 A. No. 10:08:19

7 Q. Aside from doing surveillance on 10:08:20

8 the two occasions of the [REDACTED] vehicles and 10:08:48

9 surveillance of the Waymo vehicles on the one 10:08:52

10 occasion that you mentioned, has your group or 10:08:55

11 are you aware of anyone else at Uber doing any 10:08:59

12 surveillance of competitors' autonomous 10:09:03

13 vehicles? 10:09:07

14 A. So you're asking me if anyone at 10:09:14

15 Uber or including my team did any public 10:09:18

16 observations of any other vehicles besides 10:09:21

17 [REDACTED] and Waymo? 10:09:26

18 Q. Any kind of surveillance of other 10:09:28

19 vehicles, autonomous vehicles, yes, including 10:09:30

20 Waymo vehicles. 10:09:39

21 A. So I am not aware of anyone in the 10:09:42

22 company doing any -- any public observations of 10:09:47

23 any competitors' vehicles with the exception of 10:09:53

24 what we've previously discussed. 10:09:56

25 Q. Now, you said public observations 10:10:04

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1	of competitor vehicles. Were there any other	10:10:07
2	kinds of other observations that you are	10:10:10
3	excluding from your answer with respect to	10:10:12
4	competitor vehicles?	10:10:16
5	A. No.	10:10:16
6	Q. How many folks are in the SSG	10:10:43
7	team? Maybe you can list them for me.	10:10:45
8	A. Presently?	10:10:56
9	Q. Yes.	10:10:56
10	A. Myself, Ed Russo, Jake Nocon,	10:11:00
11	Julie Ambrose, Shawnee Delaney, Anna Chung,	10:11:03
12	Randy Wanis and Mat VanWaes.	10:11:12
13	Q. And how long have you been the	10:11:32
14	lead of the group?	10:11:32
15	A. Since we hired Jake and Ed in	10:11:37
16	approximately July or August of 2016.	10:11:42
17	Q. Was that when the group was	10:11:44
18	formed?	10:11:47
19	A. More or less. I was hired in	10:11:48
20	March of 2016, and there was no team. I was	10:11:49
21	just an individual contributor.	10:11:53
22	Q. How did you get the job at Uber?	10:12:01
23	A. Mat Henley hired me.	10:12:04
24	Q. How did Mat Henley know about you?	10:12:06
25	A. I was referred by a mutual	10:12:09

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1	Q.	Yes.	10:34:34
2	A.	Yes, I understand.	10:34:37
3	Q.	Tell me what the Nextcloud system	10:34:45
4		is generally.	10:34:47
5	A.	It was a virtual storage device or	10:34:50
6		system which allowed SSG members and others in	10:34:58
7		security to collaborate on projects safely and	10:35:09
8		securely.	10:35:14
9	Q.	This was a system that was	10:35:15
10		separate from Uber's computer systems and	10:35:16
11		servers; right?	10:35:19
12	A.	That's correct.	10:35:20
13	Q.	And what was the purpose of having	10:35:21
14		this kind of system?	10:35:22
15	A.	To maximize the -- the security	10:35:25
16		and protection of the data.	10:35:27
17	Q.	Did you believe that Uber's	10:35:30
18		computers and systems were not secure enough?	10:35:33
19	A.	I think we saw after the Atlassian	10:35:36
20		hack and the OneLogin hack that there were	10:35:39
21		certainly vulnerabilities within Uber systems,	10:35:43
22		and we didn't want this data to be compromised	10:35:46
23		or vulnerable.	10:35:51
24	Q.	Whose idea was it to use the	10:35:52
25		Nextcloud system?	10:35:56

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1	A.	No.	10:37:28
2	Q.	Okay. Which one of them are	10:37:31
3		outside of the SSG group?	10:37:32
4	A.	Well, Mat Henley is director of	10:37:34
5		Threat Ops. Susan Chiang was our business	10:37:37
6		operations liaison to security, reported to Joe	10:37:41
7		Sullivan.	10:37:47
8	Q.	Did anyone outside of the groups	10:37:47
9		within security have access to Nextcloud?	10:37:57
10	A.	Not that I recall, no.	10:38:01
11	Q.	Was there a system in place prior	10:38:02
12		to Nextcloud to store sensitive information	10:38:05
13		outside of Uber's computer systems?	10:38:08
14	A.	What do you mean by "system"?	10:38:11
15	Q.	Cloud service or other storage	10:38:15
16		repository?	10:38:17
17	A.	There was no formal system. I	10:38:18
18		think the team would use Dropboxes for storage	10:38:22
19		of data.	10:38:26
20	Q.	And that was storage of sensitive	10:38:28
21		information that wasn't information that was	10:38:30
22		stored on Uber's computer systems?	10:38:33
23	A.	It -- it's possible that it was	10:38:40
24		stored on Uber's computer systems or	10:38:42
25		transferred from. The Drop- -- the Dropbox	10:38:45

1 accounts were connected to Uber laptops. So at 10:38:50
2 some point that information did touch Uber 10:38:54
3 systems. 10:38:58

4 Q. Is it your understanding that 10:38:59
5 there was some information, sensitive 10:39:00
6 information that was stored on Dropbox that was 10:39:04
7 not on Uber's system? 10:39:06

8 A. It was -- there is information 10:39:11
9 that was stored on Dropbox. Whether or not 10:39:13
10 that information wasn't also on Uber systems or 10:39:17
11 didn't touch Uber systems, it's difficult for 10:39:21
12 me to say. 10:39:24

13 Q. Was the Nextcloud system 10:39:29
14 implemented because there was a view that 10:39:32
15 Dropbox wasn't secure enough? 10:39:35

16 A. Nextcloud was a -- was a 10:39:38
17 next-level security type of a system, yes. 10:39:41

18 Q. What was the company that ran -- 10:39:45
19 ran that system? Were they called Nextcloud? 10:39:47

20 A. It was the -- Nextcloud was the 10:39:50
21 platform. It was kind of the -- this is a 10:39:51
22 nontechnical term but kind of the operating 10:39:55
23 system, for lack of a better term. Again, I'm 10:39:58
24 not very technical. So -- 10:40:00

25 Q. Do you know what company ran that 10:40:04

1 renewal for the system, and Mat was not 10:42:11
2 particularly happy with the system. And what 10:42:15
3 we also possessed at that time, which we didn't 10:42:21
4 possess when we began the Nextcloud project, 10:42:25
5 was the ability to transfer files securely via 10:42:29
6 Wickr. We had that ability at the time that he 10:42:32
7 asked me to shut down the -- the Nextcloud 10:42:36
8 system. 10:42:41

9 We didn't have -- Wickr didn't 10:42:42
10 have that capability or functionality in the 10:42:44
11 fall of 2016. 10:42:47

12 Q. What kind of information was 10:42:51
13 stored on the Nextcloud system? 10:42:54

14 A. SSG budgets. SSG sort of raw 10:43:06
15 information that was collected. Some finished 10:43:12
16 product that was disseminated to the business. 10:43:21
17 Background research. 10:43:26

18 Q. Anything else you can think of? 10:43:37

19 A. I -- I think that's a -- generally 10:43:39
20 sort of covers it. 10:43:43

21 Q. Generally speaking, was all of the 10:43:47
22 work product that SSG created during the time 10:43:48
23 that Nextcloud was in place stored on the 10:43:50
24 Nextcloud system? 10:43:54

25 A. I'm sorry. You have to run that 10:43:56

1 one by me again. 10:43:57

2 Q. Sure. 10:43:58

3 Generally speaking, was all of the 10:43:59

4 work product that SSG created during the time 10:44:01

5 that the Nextcloud system was in place also 10:44:03

6 stored on the Nextcloud system? 10:44:07

7 A. Generally, I would say that's 10:44:13

8 fair. I'm sure there were exceptions. 10:44:18

9 Q. But as a default manner of when 10:44:19

10 you would create work product within SSG, you 10:44:23

11 would store that on the Nextcloud system as 10:44:26

12 opposed to on Uber's computer system. Is that 10:44:29

13 fair? 10:44:31

14 A. I -- I think the Nextcloud system 10:44:34

15 was more of a -- of a repository for the raw 10:44:35

16 information so that the team members could 10:44:39

17 collaborate on actually producing a product, 10:44:42

18 but that once the product was finished, that it 10:44:45

19 was transferred over to Uber's system so it 10:44:47

20 could actually be of use or value to someone. 10:44:51

21 Q. What happened to all of the 10:44:57

22 information that was stored on Nextcloud once 10:44:58

23 you stopped using that system? 10:45:00

24 A. Prior to -- prior to shutting it 10:45:01

25 down, it was transferred to a different media. 10:45:06

1	Q.	Which was what?	10:45:08
2	A.	Onto a thumb drive.	10:45:09
3	Q.	Is that in your possession?	10:45:10
4	A.	Yes.	10:45:10
5	Q.	Does anyone else have access to	10:45:12
6		that thumb drive?	10:45:14
7	A.	Anyone who asked for it or had a	10:45:16
8		need to could have access to it. I also	10:45:18
9		transferred all of the files from the thumb	10:45:20
10		drive onto my Uber laptop.	10:45:23
11	Q.	Just onto the local hard drive?	10:45:25
12	A.	Correct.	10:45:27
13		MR. UMHOFFER: How about Wilmer?	10:45:31
14		THE WITNESS: I'm sorry. Thank	10:45:32
15		you.	10:45:34
16	A.	The thumb drive and my laptop were	10:45:35
17		imaged by Wilmer Hale in late July of 2017.	10:45:38
18	Q.	Do you know whether that thumb	10:45:48
19		drive or an image of it has been given to	10:45:49
20		attorneys in this litigation?	10:45:52
21	A.	I don't know.	10:45:54
22	Q.	You said it cost approximately	10:45:54
23		60,000 dollars per year for the Nextcloud	10:46:03
24		system; is that right?	10:46:04
25	A.	That was the renewal to maintain	10:46:05

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1	A.	No.	10:47:39
2	Q.	All right.	10:47:39
3		What did you talk to Mat Henley	10:47:42
4		about?	10:47:44
5	A.	I asked Mat Henley whether he was	10:47:45
6		aware of anything that Threat Ops did to	10:47:47
7		collect competitive intelligence on Waymo or	10:47:51
8		Project Chauffeur.	10:47:56
9	Q.	Okay.	10:47:57
10		What did he tell you?	10:47:58
11	A.	He said that he was not aware of	10:47:59
12		anything and that Threat Ops, to his knowledge,	10:48:02
13		did not engage in any collection of competitive	10:48:05
14		intelligence on Waymo or Project Chauffeur.	10:48:09
15	Q.	Did he tell you anything else?	10:48:11
16	A.	He did not. Well -- pardon me.	10:48:13
17		With the exception of he confirmed that there	10:48:20
18		was never any attempt to gather nonpublic	10:48:23
19		information, including trade secrets of Waymo	10:48:25
20		or Project Chauffeur.	10:48:29
21	Q.	Did you ask him about whether he	10:48:45
22		had any knowledge about Mr. Levandowski's	10:48:48
23		downloading of Google confidential information?	10:48:51
24	A.	No.	10:48:56
25	Q.	Did you ask him whether he had	10:49:03

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1 ever investigated that subject? 10:49:06

2 A. No. 10:49:06

3 Q. You had a conversation with 10:49:25

4 Mr. Maher as well on topic number 5? 10:49:26

5 A. Correct. 10:49:30

6 Q. Tell me about that conversation. 10:49:30

7 A. I asked him whether Marketplace 10:49:33

8 Analytics or whether Mr. Maher was aware of the 10:49:38

9 collection of any competitive intelligence 10:49:41

10 Way- -- on Waymo or Project Chauffeur by Uber 10:49:43

11 or any person or entity acting on Uber's 10:49:46

12 behalf, including any efforts by Uber or any 10:49:50

13 person or entity acting on Uber's behalf to 10:49:54

14 gather nonpublic information including trade 10:49:56

15 secrets of Waymo or Project Chauffeur. And he 10:49:58

16 said that he was not aware of anything and that 10:50:00

17 MA did not, to his knowledge, participate in 10:50:03

18 any such activities. 10:50:05

19 Q. Did you ask him about any of the 10:50:08

20 allegations related to Mr. Levandowski's theft 10:50:09

21 of Google confidential information? 10:50:14

22 A. I did not ask him about that. 10:50:17

23 Q. And he didn't tell you anything 10:50:24

24 about that too; is that right? 10:50:25

25 A. He did not mention anything about 10:50:27

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1 Mr. Levandowski. 10:50:30

2 Q. Did he say anything else other 10:50:34
3 than what you've just discussed with me? 10:50:36

4 A. No, sir. 10:50:38

5 Q. What did you discuss with 10:50:47
6 Mr. Meyhofer? 10:50:48

7 A. I asked Mr. Meyhofer whether he 10:50:50
8 was aware as the head of ATG if ATG had a 10:50:52
9 competitive intelligence program and had 10:50:57
10 engaged in any collection of any competitive 10:50:59
11 intelligence on Waymo or Project Chauffeur in 10:51:02
12 line with the topic, and specifically as it 10:51:04
13 mentions any person or entity acting on Uber's 10:51:11
14 behalf to gather nonpublic information, 10:51:14
15 including trade secrets of Waymo or Project 10:51:16
16 Chauffeur. 10:51:18

17 His response was he was only aware 10:51:19
18 of some -- some sort of information gathering 10:51:21
19 by Joe Sullivan prior to his becoming head of 10:51:27
20 ATG, and that once he became head of ATG, he 10:51:33
21 asked Lior Ron to cease those activities. 10:51:37

22 Q. You said there was information 10:51:56
23 gathering by Joe Sullivan prior to the time 10:51:57
24 that Mr. Meyhofer became head of ATG? 10:52:00

25 A. Yes. He was referencing 10:52:04

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1 the -- the videotaping of Waymo vehicles. 10:52:05

2 Q. The videotaping we discussed 10:52:14
3 earlier today? 10:52:16

4 A. Yes, sir. 10:52:16

5 Q. And when did Mr. Meyhofer become 10:52:17
6 head of ATG? 10:52:28

7 A. Approximately May of 2017. 10:52:40

8 Q. Was that after the surveillance of 10:52:44
9 the Waymo vehicles that you mentioned earlier? 10:52:47

10 A. Yes. 10:52:47

11 Q. According to your -- this Exhibit 10:53:05
12 9677, and I believe your testimony earlier, 10:53:05
13 after April 13 or 14 where the Waymo briefing 10:53:09
14 was discussed, there was no further followup or 10:53:13
15 discussion of surveillance of Waymo vehicles; 10:53:16
16 correct? 10:53:16

17 A. That's correct. 10:53:19

18 Q. So what was it that you understand 10:53:20
19 Mr. Meyhofer said to Mr. Ron about ceasing 10:53:26
20 surveillance of Waymo vehicles if at that point 10:53:31
21 there was no surveillance going on? 10:53:35

22 A. There was one more trip to San 10:53:38
23 Francisco related to [REDACTED] that took place in 10:53:41
24 May, but there was no presentation. 10:53:45

25 Q. When Mr. Meyhofer had become head 10:54:01

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1	Mr. Meyhofer mentioned Joe Sullivan in the	10:56:21
2	context of you asking about what's listed in	10:56:24
3	topic number 5; right?	10:56:28
4	A. Yes.	10:56:31
5	Q. So what was the context of him	10:56:31
6	mentioning Joe Sullivan? That's all I'm trying	10:56:34
7	to find out.	10:56:36
8	A. That the -- the activities were	10:56:37
9	taking place within the security org, of which	10:56:39
10	Joe Sullivan was head of security.	10:56:41
11	Q. Was there anything else he said	10:56:42
12	about Joe Sullivan?	10:56:44
13	A. No.	10:56:44
14	Q. Have you told me everything about	10:57:08
15	your conversation with Mr. Meyhofer?	10:57:09
16	A. Yes.	10:57:09
17	Q. What did you discuss with Cameron	10:57:12
18	Poetzsch?	10:57:16
19	A. I asked whether or not the	10:57:17
20	business and corporate development team had	10:57:18
21	engaged in any competitive intelligence	10:57:20
22	activities on Waymo or Project Chauffeur and	10:57:23
23	specifically if there was any attempt to gather	10:57:27
24	nonpublic information, including trade secrets	10:57:29
25	of Waymo or Project Chauffeur, and he said no.	10:57:31

1 Arizona, do you have any knowledge about either 11:00:26
2 your group or the ATG group using ephemeral 11:00:30
3 communications to communicate about information 11:00:35
4 related to either Google or Waymo? 11:00:39

5 A. No, I don't. 11:00:42

6 Q. You can't say one way or the other 11:00:46
7 whether that happened; correct? 11:00:48

8 A. I can't speak for everyone in the 11:00:50
9 company or anyone at ATG because I -- I don't 11:00:52
10 know about ATG's communications. But my team 11:00:55
11 and in terms of interactions I had with my 11:00:59
12 team, we've never discussed anything related to 11:01:02
13 Google or Waymo that I can recall within 11:01:05
14 ephemeral messaging apart from what we 11:01:09
15 previously discussed related to our public 11:01:11
16 observations of Waymo vehicles in Phoenix. 11:01:13

17 Q. This is going back a bit. But in 11:01:31
18 connection with the training and meetings that 11:01:33
19 you had with the ATG group -- 11:01:35

20 A. Okay. 11:01:40

21 Q. -- or that your group had with the 11:01:40
22 ATG group, was the subject of nonattributable 11:01:42
23 or misattributable devices discussed? 11:01:45

24 A. No. 11:01:45

25 Q. Do you know whether anyone on the 11:01:55

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1 Q. And what was the purpose of your 11:03:12
2 use of misattributable devices? 11:03:15

3 A. To protect my -- my affiliation 11:03:19
4 with Uber with regards to the research that we 11:03:20
5 would do on threat actors, threat -- you know, 11:03:25
6 threatening individuals where we needed to 11:03:33
7 flesh out the nature of the threat while 11:03:36
8 protecting our identity so we didn't put 11:03:39
9 ourselves at risk. And then the device was 11:03:43
10 also -- would also be used to connect with the 11:03:51
11 Nextcloud system. 11:03:54

12 Q. Did you always connect to the 11:03:57
13 Nextcloud system through a misattributable 11:03:59
14 device? 11:04:01

15 A. Yes. 11:04:01

16 Q. And was that to prevent any 11:04:05
17 information on -- that was stored on the 11:04:07
18 Nextcloud system from coming onto the Uber 11:04:09
19 systems? 11:04:12

20 A. The point of connecting to 11:04:14
21 a -- with a misattributable device was to 11:04:17
22 protect the integrity of the information and 11:04:21
23 the data so that whenever the -- the connection 11:04:23
24 happened, that it was done so in a secure 11:04:27
25 fashion. 11:04:30

1 A. I believe that some members would 11:09:09
2 use the -- their misattributable devices to try 11:09:11
3 to identify entities committing fraud on the 11:09:17
4 platform in the deep web in foreign countries, 11:09:21
5 which cost the company significant amounts of 11:09:25
6 money every year. 11:09:30

7 Q. And how would using the 11:09:39
8 misattributable devices help in that regard? 11:09:40

9 A. Well, when you're -- when you're 11:09:43
10 looking in the deep web with individuals 11:09:45
11 committing fraud, they are typically 11:09:47
12 computer-savvy individuals. And if they saw 11:09:51
13 you approaching from an Uber IP address or an 11:09:54
14 Uber device and they themselves are committing 11:09:57
15 fraud on the Uber platform, it would -- it 11:09:59
16 would -- it would prohibit your ability to 11:10:02
17 engage with them and -- and try and -- and 11:10:04
18 discern their -- their -- their methods for how 11:10:08
19 they, you know, engage in these activities so 11:10:12
20 that we could then, you know, create, produce 11:10:15
21 countermeasures that would shut them down. 11:10:18

22 Q. So did you -- in connection with 11:10:21
23 that did you and your team use other identities 11:10:22
24 to try to shut down that front? 11:10:28

25 A. We have one individual on our team 11:10:29

1 taken quite some time and it would have been 11:21:35
2 very inefficient. 11:21:38

3 Q. Do you know whether any 11:21:47
4 misattributable devices were ever used for the 11:21:48
5 purpose of conducting competitive intelligence? 11:21:51

6 A. How would you define "competitive 11:21:57
7 intelligence"? 11:21:59

8 Q. Have you heard that term before? 11:22:00

9 A. I've heard the term before, yes. 11:22:02
10 I see it written here. 11:22:06

11 Q. What's your understanding of what 11:22:09
12 that means in general? 11:22:10

13 A. Gathering information or 11:22:17
14 acquisition of information used to -- to gain 11:22:21
15 some sort of an advantage. 11:22:25

16 Q. Using that definition, have 11:22:27
17 misattributable devices ever been used by folks 11:22:29
18 in your group or, to your knowledge otherwise, 11:22:36
19 at Uber to conduct competitive intelligence? 11:22:40

20 A. The team used those laptops on 11:22:46
21 occasion for research into individuals that 11:22:55
22 would be considered -- or not individuals, but 11:22:59
23 rather companies that would be considered 11:23:02
24 competitors. But the research by nature was 11:23:04
25 for background purposes to help educate the 11:23:06

1 team and better inform the team on who the 11:23:11
2 competitor is. 11:23:14

3 Q. Can you give me any specific 11:23:20
4 examples about -- of that? 11:23:23

5 A. As an example, if the team was 11:23:25
6 asked to -- anticipating whether or not the 11:23:29
7 team was going to be asked to look into, you 11:23:35
8 know, like Waymo vehicles on the street. For 11:23:42
9 the team to -- to do that, it would need to do 11:23:47
10 some sort of initial background research to 11:23:49
11 research: What does a Waymo vehicle look like? 11:23:52
12 What are, you know, the areas from press 11:23:56
13 articles that we see them operating? To give 11:23:58
14 us basic background information so that we can 11:24:03
15 do our job. Otherwise, we show up there, and 11:24:06
16 if we haven't done our preparation and 11:24:24
17 homework, we're going to be very inefficient at 11:24:26
18 doing our job. 11:24:29

19 Q. Did you prepare to testify on 11:24:45
20 topic number 8? 11:24:48

21 A. Yes. 11:24:48

22 Q. It says here: 11:24:54

23 "Surveillance conducted by or at 11:24:56
24 the direction of defendants of any persons who 11:24:57
25 are witnesses or attorneys in this case." 11:24:59

1 I don't fully understand what it 11:46:25
2 means by intrusion into competitor off-site 11:46:26
3 meeting locations because it's rather 11:46:30
4 nonspecific what intrusion means. 11:46:32

5 And the taking of photographs of 11:46:37
6 competitor proprietary products or information 11:46:42
7 in a nonpublic setting without authorization 11:46:46
8 would also seem to have -- that would seem to 11:46:48
9 be something that might have -- again, without 11:47:07
10 being an expert on these things, it might have 11:47:13
11 legal implications. So I don't know whether, 11:47:15
12 again, it falls under the category of invasive 11:47:17
13 or legal, but I don't know. 11:47:19

14 Q. Did your team ever do the things 11:47:21
15 that are listed here? 11:47:23

16 MR. GONZALEZ: Object to form. 11:47:27

17 MR. UMHOFFER: And I'm going to 11:47:28
18 object to this question to the extent 11:47:29
19 that it asks for information beyond the 11:47:31
20 scope of the Court's order defining the 11:47:33
21 scope of these depositions. And I'm 11:47:37
22 going to instruct the witness to answer 11:47:38
23 only as to competitive intelligence. 11:47:40

24 A. My team did not steal competitor 11:48:08
25 information from offices or other locations. 11:48:14

1 We did not retrieve documents from dumpsters. 11:48:17

2 As I've testified earlier, my team has not 11:48:24

3 recorded individuals without their consent. We 11:48:28

4 have not intruded into competitor off-site 11:48:34

5 meeting locations. We have not taken 11:48:40

6 photographs of competitor proprietary products 11:48:41

7 or information in a nonpublic setting without 11:48:44

8 authorization. 11:48:46

9 Q. Are you aware of any other teams 11:48:48

10 at Uber doing those things for competitive 11:48:49

11 intelligence? 11:48:53

12 A. I am not aware. 11:48:57

13 Q. Marketplace Analytics team. Do 11:48:59

14 you know whether they ever did any of those 11:49:00

15 things for competitive intelligence? 11:49:01

16 A. I'm not aware if they did. 11:49:03

17 Q. In any event, you're not aware of 11:49:09

18 an express policy prior to this time 11:49:10

19 prohibiting these types of invasive techniques 11:49:14

20 at Uber; correct? 11:49:16

21 MR. GONZALEZ: Object to form. 11:49:18

22 A. Again, as I've stated I'm not 11:49:20

23 aware of a competitive intelligence policy that 11:49:21

24 predates this one. 11:49:24

25 Q. Including one that dictated 11:49:26

1	take a break.	12:00:21
2	A. Okay.	12:00:24
3	BY MR. KAPGAN:	12:00:24
4	Q. All right.	12:00:24
5	So let me ask you: This is	12:00:26
6	basically a prohibition on unauthorized	12:00:32
7	solicitation, receipt, use or replication of	12:00:35
8	trade secret information; right?	12:00:38
9	A. That's formally marked or believed	12:00:40
10	to be subject to a -- an NDA or confidentiality	12:00:42
11	agreement.	12:00:46
12	Q. Are you aware of any policy at	12:00:46
13	Uber prior to July of 2017 that prohibited such	12:00:48
14	activity?	12:00:52
15	A. Not aware of a policy.	12:00:53
16	Q. Are you aware of anyone in your	12:00:58
17	group or outside of your group at Uber,	12:01:01
18	including vendors, that engaged in unauthorized	12:01:05
19	solicitation, receipt, use or replication of	12:01:09
20	trade secret information or confidential	12:01:13
21	information of a third party?	12:01:16
22	A. No.	12:01:16
23	Q. Have you discussed this policy	12:01:41
24	with anyone at Uber?	12:01:42
25	A. I think I discussed it with Craig	12:01:51

1 competitors of Uber, as far as you can tell? 13:17:37

2 A. I would have to read it. 13:17:39

3 Q. All right. 13:17:39

4 Well, if you take a look at the 13:17:46

5 bottom -- towards the bottom of that page, do 13:17:48

6 you see where it says: 13:17:55

7 "Understanding the state of play 13:17:56

8 in this race and distinguishing the leaders 13:17:57

9 from the pretenders is critical to our own 13:18:00

10 leadership as they make the decisions and set 13:18:02

11 the policy for us to succeed before all 13:18:04

12 others"? 13:18:07

13 A. I see that. 13:18:07

14 Q. Then it says: 13:18:08

15 "This intelligence collection 13:18:09

16 strategy in support of our leadership will be a 13:18:11

17 complex and enduring one. It will be focused 13:18:13

18 on three areas: Competitors, key personalities 13:18:15

19 and technologies." 13:18:15

20 Do you see that? 13:18:20

21 A. I see it. 13:18:21

22 Q. Is it your understanding that this 13:18:22

23 document is intended to set out an intelligence 13:18:23

24 collection strategy in support of Uber's 13:18:27

25 leadership? 13:18:30

1 A. It appears to be a philosophical 13:18:30
2 approach to looking at the autonomous vehicle 13:18:33
3 competitive landscape and -- from a collection 13:18:37
4 standpoint. 13:18:41

5 Q. And do you see in the next 13:18:42
6 paragraph, it says: 13:18:43

7 "The primary collection 13:18:44
8 methodologies will be open-source and HUMINT 13:18:45
9 and will be conducted by assets, both internal 13:18:48
10 employees and external vendors"? 13:18:52

11 A. I see that. 13:18:54

12 Q. And did you have understanding 13:18:56
13 that Uber's primary collection methodologies in 13:18:59
14 terms of gaining competitive intelligence were 13:19:06
15 the things that are listed here? 13:19:07

16 A. No, I disagree with that. I mean, 13:19:12
17 this strategy or this -- this document here, 13:19:13
18 what was outlined, was never actually carried 13:19:17
19 out. 13:19:21

20 Q. You haven't read the whole 13:19:21
21 document yet, have you? 13:19:22

22 A. I haven't read the whole document, 13:19:23
23 but insofar as what you've pointed out to me, 13:19:25
24 these are not things that were -- that were 13:19:28
25 undertaken. 13:19:30

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1 yes. I don't know whether or not they would 13:22:46
2 deem it to be useful from a competitive 13:22:49
3 standpoint. It's not my ability to assess the 13:22:51
4 value of the information because I'm not a 13:22:54
5 subject matter expert. All I can do is provide 13:22:56
6 the information. 13:23:00

7 Q. There is no doubt that your team 13:23:01
8 did research and provided competitive -- excuse 13:23:03
9 me. 13:23:07

10 There is no doubt that your team 13:23:07
11 did research and provided information 13:23:09
12 regardless of whether you thought it was 13:23:12
13 valuable or not, about Uber's competitors to 13:23:13
14 other groups at the company; correct? 13:23:18

15 A. We provided information and 13:23:21
16 research, open-source, and the -- the -- the 13:23:23
17 videotaping in -- in public of vehicles, as we 13:23:28
18 discussed, yes, to ATG. 13:23:32

19 Q. Okay. 13:23:34

20 A. But if it's not valuable, how -- I 13:23:37
21 don't see how it could offer some sort of an 13:23:41
22 advantage. 13:23:43

23 Q. You weren't there to assess the 13:23:43
24 value of that information; right? 13:23:45

25 A. That's correct. 13:23:46

1	A.	Correct.	13:24:33
2	Q.	Mr. Levandowski or Mr. Ron did	13:24:36
3		report back to you that they found it benefited	13:24:38
4		them; correct?	13:24:40
5	A.	That's correct.	13:24:41
6	Q.	In your view, does that mean that	13:24:44
7		that information provided some form of	13:24:46
8		competitive intelligence to the company?	13:24:48
9	A.	The information was beneficial.	13:24:50
10		Whether or not it gave the company a	13:24:52
11		competitive advantage, I don't know.	13:24:54
12		Again, that project was related to	13:25:01
13		helping inform the business on making a	13:25:03
14		business decision.	13:25:07
15	Q.	Okay.	13:25:08
16		So going back to this document,	13:25:08
17		again, one of the collection methodologies that	13:25:11
18		your group engaged in was based on open-source	13:25:14
19		research; correct?	13:25:18
20	A.	Sorry. One more time.	13:25:23
21	Q.	One of the collection	13:25:25
22		methodologies that your group implemented was	13:25:27
23		based on open-source research; correct?	13:25:33
24	A.	To my knowledge, we didn't	13:25:36
25		implement a strategy based on this document.	13:25:38

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1	Q.	That's not my question.	13:25:42
2	A.	So -- okay.	13:25:43
3	Q.	Let me ask my question again.	13:25:44
4	A.	Okay.	13:25:46
5	Q.	One of the collection	13:25:47
6		methodologies that your group implemented was	13:25:48
7		based on open-source research; correct?	13:25:50
8	A.	Okay. Yes.	13:25:53
9	Q.	In the last paragraph of this	13:26:01
10		second page of this document, it refers to	13:26:02
11		open-source as being a primary collection	13:26:04
12		methodology; correct?	13:26:07
13	A.	In the last paragraph, yes.	13:26:21
14	Q.	Do you interpret that to be	13:26:22
15		something other than what I just said about	13:26:24
16		your team doing collection based on open-source	13:26:26
17		research?	13:26:30
18	A.	No, I -- I mean, I understand what	13:26:45
19		it means, but it says that the methodology will	13:26:46
20		be. We didn't actually engage on this project.	13:26:51
21		So --	13:26:55
22	Q.	Well, you just said that you do do	13:26:56
23		open-source research. So what is it that	13:26:58
24		you're saying you don't do here?	13:27:01
25	A.	We didn't -- we didn't engage	13:27:03

1 in the field of autonomous vehicles? 13:28:50

2 A. I don't -- I wouldn't really know. 13:28:53

3 Q. All right. 13:28:53

4 And then you see it says: 13:28:55

5 "Giraffe believes that critical 13:28:57

6 factor to success is hyperaccurate mapping"? 13:28:59

7 A. I see it. 13:29:02

8 Q. Did you ever hear that before? 13:29:02

9 A. I believe it was reported in the 13:29:07

10 press, but that's my understanding of that 13:29:08

11 statement. 13:29:12

12 Q. If you go to the next page, do you 13:29:12

13 see where it says "Collection Objectives"? 13:29:14

14 A. Okay. 13:29:23

15 Q. And the number one collection 13:29:24

16 objective is "Focused on Google." 13:29:27

17 Do you see that? 13:29:28

18 A. Yes. 13:29:29

19 Q. And there are a number of 13:29:31

20 questions below that. 13:29:32

21 Do you see that? 13:29:33

22 A. Yes. 13:29:33

23 Q. The first collection objective is: 13:29:36

24 "What original equipment 13:29:39

25 manufacturers OEM is Giraffe partnering with?" 13:29:40

1	Do you see that?	13:29:44
2	A. I do.	13:29:45
3	Q. Did your team ever try to figure	13:29:47
4	out which OEMs Google was partnering with?	13:29:48
5	A. No.	13:29:48
6	Q. Did any vendors you hired or	13:29:55
7	anyone else that you know of at the company do	13:29:57
8	so?	13:29:59
9	A. No, not that I'm aware of.	13:30:00
10	Q. Do you see if you go down to D, it	13:30:11
11	says "What technology is Google outsourcing?"	13:30:17
12	It says "Giraffe," but that's a reference to	13:30:17
13	Google.	13:30:18
14	A. I see it.	13:30:19
15	Q. Did you ever do any investigation,	13:30:20
16	or anyone on your team or your vendors do any	13:30:21
17	investigation, to your knowledge, to figure out	13:30:24
18	the answer to that question?	13:30:27
19	A. No.	13:30:27
20	Q. And you're not aware of anyone at	13:30:32
21	Uber doing that?	13:30:33
22	A. I'm not aware, no.	13:30:34
23	Q. How about G:	13:30:39
24	"Who are Giraffe's partners in the	13:30:40
25	AV program?"	13:30:42

1	A.	I do.	13:31:27
2	Q.	Do you understand what that means?	13:31:28
3	A.	Not specifically, no.	13:31:39
4	Q.	Do you have any understanding --	13:31:45
5	A.	I -- I didn't write so I -- I	13:31:45
6		don't know.	13:31:45
7	Q.	Reading it now do you have any	13:31:45
8		understanding of what that means?	13:31:46
9	A.	I could only guess that it means	13:31:52
10		just understand who the key players are in --	13:31:54
11		in the program.	13:31:57
12	Q.	Are you aware of any investigation	13:32:00
13		being done or that had been done at Uber or by	13:32:02
14		its vendors with respect to understanding who	13:32:07
15		the key players were within the Google or Waymo	13:32:12
16		autonomous vehicle program?	13:32:18
17	A.	Nope. I'm not aware.	13:32:20
18	Q.	If you turn to the -- several	13:32:31
19		pages later, it's page 625.	13:32:33
20	A.	625?	13:32:45
21	Q.	Yes.	13:32:45
22	A.	Okay.	13:32:47
23	Q.	Do you see it says "Collection	13:33:00
24		Plan" and then it says "Initial assessment of	13:33:01
25		the competitive landscape"?	13:33:03

1	A.	I see that.	13:33:05
2	Q.	And then if you go down to the	13:33:10
3		next-to-last paragraph on that page, it says:	13:33:12
4		"To succeed, our collection plan	13:33:15
5		must be both broad and deep. It must be broad	13:33:16
6		enough to develop streams of reporting on at	13:33:20
7		least six different competitors."	13:33:22
8		Do you see that?	13:33:24
9	A.	I see it.	13:33:25
10	Q.	Google is included among those;	13:33:25
11		correct?	13:33:28
12	A.	It appears so, yes.	13:33:28
13	Q.	And then next sentence says:	13:33:32
14		"And the plan must be deep enough	13:33:34
15		to acquire in a timely manner meaningful	13:33:36
16		technical data and to identify legitimate	13:33:39
17		milestones on the road to AV level 5."	13:33:41
18		Do you see that?	13:33:46
19	A.	I see it.	13:33:46
20	Q.	Are you aware of any activities at	13:33:48
21		Uber to acquire technical data about	13:33:50
22		competitors' AV programs?	13:33:57
23	A.	No. What -- what do you mean by	13:34:03
24		"technical data"?	13:34:07
25	Q.	Let's start with data that was not	13:34:10

1 available publicly on the Internet. 13:34:12

2 A. Okay. No, I'm not aware. 13:34:15

3 Q. Is there any other kind of 13:34:26

4 technical data you're aware of that -- that 13:34:27

5 anyone at Uber obtained or attempted to obtain 13:34:32

6 about Google or Waymo's AV program or vehicles? 13:34:37

7 A. Nothing that I'm aware of. 13:34:43

8 Q. If you look at the next page, it 13:34:50

9 says: 13:34:53

10 "Two-pronged collection. Prong 13:34:54

11 one: Establish and maintain the baseline." 13:34:57

12 Do you see that? 13:35:00

13 A. I see it. 13:35:01

14 Q. And then there's an indication 13:35:02

15 "Open Source Research." 13:35:05

16 Do you see that? 13:35:06

17 A. Yes. 13:35:07

18 Q. And it says: 13:35:10

19 "SSG analysts and operation 13:35:11

20 specialists will conduct daily open-source 13:35:13

21 research with nonattributable computers in 13:35:15

22 order to establish where each competitor likely 13:35:17

23 sits on the spectrum of AV research and testing 13:35:19

24 and to measure each competitor's claimed 13:35:22

25 progress on the road to AV level 5." 13:35:24

1	Did you see that? Do you see	13:35:26
2	that?	13:35:28
3	A. I see it.	13:35:28
4	Q. Did any SSG analysts or others in	13:35:29
5	the group do this?	13:35:32
6	A. Conduct a daily open-source	13:35:36
7	research? No.	13:35:38
8	Q. Did any of the folks in SSG	13:35:40
9	conduct open-source research with	13:35:42
10	nonattributable computers in order to establish	13:35:44
11	where competitors sat on the spectrum of AV	13:35:49
12	research and testing?	13:35:54
13	A. I don't think that that occurred,	13:35:57
14	no.	13:36:00
15	Q. Did any folks in SSG conduct	13:36:01
16	research, whether or not it was on	13:36:14
17	nonattributable computers, on competitors in	13:36:18
18	the AV field to try to see what their progress	13:36:24
19	was in that regard?	13:36:29
20	MR. UMHOFFER: Objection, vague and	13:36:32
21	ambiguous, calls for speculation.	13:36:34
22	A. What -- what progress? In what	13:36:36
23	regard?	13:36:38
24	Q. For example did anyone in SSG, to	13:36:41
25	your knowledge, conduct research to determine	13:36:45

1 how far along any particular competitor to Uber 13:36:46

2 was in the development of their AV program? 13:36:51

3 A. I think that some team members on 13:36:56

4 SSG conducted research open-source to provide 13:37:01

5 background assessment on where competitors were 13:37:08

6 in the AV space. 13:37:10

7 Q. Do you recall with respect to 13:37:17

8 which competitors? 13:37:18

9 A. I -- I don't -- I don't recall if 13:37:33

10 I could say specifically each one. I believe 13:37:38

11 that Ed Russo produced some sort of background 13:37:42

12 research on some -- on -- on Waymo in maybe 13:37:46

13 2016 in order to provide SSG a baseline of 13:37:53

14 understanding of -- of the AV program based on 13:38:00

15 open-source information. Because at the time 13:38:04

16 SSG knew absolutely nothing and had to start 13:38:07

17 from scratch somewhere and just doing some 13:38:10

18 basic online research. 13:38:14

19 Q. Was that research that was 13:38:17

20 performed by Mr. Russo memorialized in some 13:38:18

21 kind of report or written document? 13:38:21

22 A. It's possible that it was. 13:38:23

23 Q. Did you discuss it with him? 13:38:27

24 A. I don't recall discussing it with 13:38:29

25 him. 13:38:31

1 specialists will track the social media 13:41:13
2 accounts, e.g., LinkedIn, Facebook, Twitter, 13:41:16
3 et cetera, in order to map the personal and 13:41:19
4 professional networks of key personnel." 13:41:21
5 Do you see that? 13:41:24
6 A. I see it. 13:41:24
7 Q. Do you know if that was ever done? 13:41:25
8 A. That was not done. 13:41:26
9 Q. Do you know if there was a 13:41:28
10 decision made not to do that? 13:41:29
11 A. We never -- so broadly speaking we 13:41:33
12 didn't engage in this overall collection 13:41:36
13 strategy. So, you know, the -- the components, 13:41:42
14 the -- the prongs, so to speak, didn't -- 13:41:43
15 didn't become part of -- of any -- any of the 13:41:48
16 projects. There was no formal project. 13:41:52
17 Q. All right. 13:41:52
18 And do you see it says: 13:42:03
19 "Number 2. Internal Resources"? 13:42:04
20 A. Yes. 13:42:04
21 Q. And it says: 13:42:09
22 "In order to build the subject 13:42:10
23 matter expertise necessary to drive collection, 13:42:11
24 SSG would like to meet on a semi-routine basis 13:42:13
25 with our own AV experts at Iden I, Iden J and 13:42:16

1 A. No, not to my knowledge. 13:44:16

2 Q. D says: 13:44:21

3 "For those employees who came to 13:44:22

4 us from competitors, gather insight into how 13:44:23

5 those competitors structure their AV programs, 13:44:28

6 the strengths and weaknesses of those programs, 13:44:31

7 and the working conditions and resourcing of 13:44:33

8 those programs." 13:44:35

9 Do you see that? 13:44:36

10 A. I see it. 13:44:36

11 Q. Do you have any knowledge of 13:44:38

12 whether that was done? 13:44:39

13 A. I don't have any knowledge it was 13:44:41

14 done. I don't believe that SSG engaged in 13:44:42

15 those activities. 13:44:45

16 Q. Do you know if any other group 13:44:46

17 did? 13:44:47

18 A. I don't. 13:44:48

19 Q. And the suggestion here is that -- 13:44:49

20 as you understand it is that if employees from 13:44:51

21 competitors came over to be employed by Uber, 13:44:55

22 you could ask them about those competitors' AV 13:44:58

23 programs. 13:45:04

24 Is that your understanding? 13:45:05

25 A. I understand how you are 13:45:06

1 program in place that consisted of you doing or 13:49:31
2 your team doing research about employees at 13:49:34
3 competitor organizations for potential 13:49:39
4 recruitment? 13:49:41

5 A. We were asked to -- to source 13:49:44
6 candidates from a few organizations 13:49:46
7 specifically, yes. 13:49:51

8 Q. Which ones do you remember? 13:49:53

9 A. [REDACTED] Those are the only 13:49:55
10 two I remember. 13:50:04

11 Q. If you take a look down, do you 13:50:06
12 see where it says: 13:50:09

13 "Prong two, attack the 13:50:09
14 objectives"? 13:50:12

15 A. Uh-huh. 13:50:12

16 Q. And then the number one thing here 13:50:13
17 again is Giraffe or Google. Do you see that? 13:50:15

18 A. I do. 13:50:17

19 Q. And then it says: 13:50:17
20 "Vendor 1 will use existing 13:50:18
21 capabilities and sources where possible or 13:50:21
22 develop new sources where necessary in order to 13:50:23
23 answer the collection requirements associated 13:50:26
24 with Giraffe." 13:50:28

25 Do you see that? 13:50:29

1	A.	I see it.	13:50:31
2	Q.	Did Uber hire a vendor to collect	13:50:34
3		information about Google as indicated here?	13:50:43
4	A.	Not that I'm aware of.	13:50:46
5	Q.	Do you know who the vendor 1 is	13:50:49
6		that's being referenced here?	13:50:52
7	A.	I don't.	13:50:53
8	Q.	Have you ever seen vendor 1 or	13:50:54
9		vendor 2 referenced in any of their other	13:50:56
10		documents during your time at Uber?	13:51:00
11	A.	Not that I recall specifically. I	13:51:03
12		mean, this probably is just a generic, again,	13:51:05
13		use of -- similar to the Iden type of --	13:51:10
14	Q.	Seeing vendor 1 and vendor 2 here,	13:51:17
15		would you expect that there is a different	13:51:19
16		document that would have a key that would	13:51:21
17		identify who vendor 1 is and who vendor 2 is?	13:51:22
18	A.	It -- again, it's possible, but	13:51:27
19		seeing "Draft" on this, I don't know whether or	13:51:29
20		not that would have ever been produced.	13:51:32
21	Q.	Did your group ever hire a vendor	13:51:42
22		called [REDACTED] to do research about Waymo	13:51:44
23		or Google?	13:51:48
24	A.	No.	13:51:50
25	Q.	Have you heard of that vendor?	13:51:52

1 A. Well, it's difficult to know 14:00:05
2 whether or not our own AV expert would be able 14:00:07
3 to speak on behalf of a competitor. All we can 14:00:09
4 do is ascertain what knowledge they have from 14:00:12
5 their own experience. 14:00:14

6 Q. Right. But -- 14:00:15

7 A. But as subject matter experts, we 14:00:16
8 have to rely on what information they can 14:00:18
9 provide us because we're not subject matter 14:00:20
10 experts ourselves. 14:00:22

11 Q. And are you aware of internal AV 14:00:23
12 experts at Uber providing that kind of 14:00:27
13 information about competitor AV programs? 14:00:29

14 A. I don't recall ever asking or I 14:00:33
15 don't recall SSG ever asking anyone at A -- at 14:00:39
16 ATG for their assessment on competitor AV 14:00:44
17 programs. 14:00:47

18 Q. You noticed that there was a 14:00:48
19 "Draft" on every page of this document. Did 14:01:02
20 you ever receive training on placing the 14:01:05
21 "Draft" label on documents from anyone, Craig 14:01:08
22 Clark or anyone else? 14:01:12

23 A. I never received training on doing 14:01:13
24 that, no. 14:01:15

25 Q. Did you receive training on 14:01:15

1	attorney-client privileged labels on documents?	14:01:18
2	A. Yes.	14:01:18
3	Q. Was any of that training given, to	14:01:20
4	your knowledge, to the folks in ATG?	14:01:25
5	A. I don't know.	14:01:28
6	Q. And what do you recall about the	14:01:31
7	training that you received with respect to	14:01:33
8	attorney-client privilege? How many times did	14:01:36
9	you get that kind of training?	14:01:38
10	A. I recall receiving two briefings,	14:01:40
11	two presentations.	14:01:43
12	Q. Who gave those presentations?	14:01:46
13	A. Craig Clark.	14:01:48
14	Q. Did he use a slide deck?	14:01:49
15	A. Yes.	14:01:49
16	Q. Did he use -- did it have pictures	14:01:53
17	of dogs?	14:01:56
18	A. The second one I saw did, yes.	14:01:57
19	Q. The first one didn't have any	14:01:59
20	pictures of dogs?	14:02:01
21	A. I don't think so.	14:02:02
22	Q. So he came up with kind of a	14:02:03
23	clever way to do -- to explain attorney-client	14:02:04
24	privilege by using some kind of dog meme; is	14:02:08
25	that the idea?	14:02:10

1 A. I have no idea.

2	Q.	Was there some form, capability of	14:15:16
3		doing mobile phone collections by any of your	14:15:20
4		vendors?	14:15:23

5	A. No. To my knowledge, neither we	14:15:24
6	nor our vendors have the ability to physically	14:15:26
7	collect on a mobile phone.	14:15:29

8	Q.	Or electronically collect on a	14:15:32
9		mobile phone?	14:15:34

10	A. Or electronically collect on a	14:15:35
11	mobile phone.	14:15:37

12	Q.	You never had a discussion with	14:15:37
13	Mr. Jacobs	that one of your vendors had some	14:15:40
14		form of mobile phone collection capability?	14:15:47

15 A. I don't recall having a discussion 14:15:49
16 like that. 14:15:51

17	Q. Do you recall telling Mr. Jacobs	14:15:51
18	to remove information about certain vendor	14:16:10
19	capabilities from any slide decks or	14:16:16
20	presentations that he or others were preparing?	14:16:21

21 A. I don't recall doing that, no. 14:16:23

22	Q.	Do you recall Mr. Jacobs proposing	14:16:28
23		the creation of some kind of intelligence	14:16:30
24		database?	14:16:33

[illegible]

1 Q. He never to your knowledge 14:16:36
2 proposed any kind of creation of a database to 14:16:38
3 store or combine information from different 14:16:46
4 groups at Uber? 14:16:48

5 A. He never proposed any such thing. 14:16:50
6 There was a joint project that was worked on 14:16:52
7 amongst Threat Ops to try and create a data 14:16:56
8 repository, but it was not his proposal or his 14:16:59
9 creation, and he didn't unilaterally work on 14:17:02
10 it. 14:17:04

11 Q. Was he involved in it at all, as 14:17:05
12 far as you know? 14:17:07

13 A. As the manager for Intel, he was 14:17:07
14 the representative of that team on this joint 14:17:09
15 project. 14:17:11

16 Q. I see. 14:17:11
17 And did that database get created? 14:17:12

18 A. It did not. 14:17:14

19 Q. What's your understanding of the 14:17:17
20 reason why it didn't? 14:17:19

21 A. Because we were reliant on 14:17:20
22 internal engineering resources to build it, and 14:17:22
23 the group ENGSEC, or Engineering Security, told 14:17:26
24 us that they did not have the resources to 14:17:31
25 devote to building a system for us, which was 14:17:33

1 disappointing. 14:17:48

2 Q. You never objected to the creation 14:17:49

3 of that database? 14:17:50

4 A. Absolutely not. I worked with the 14:17:52

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5      others in Threat Ops to -- to -- to create the 14:17:55
```

6 specifications and map out the workflow, and I 14:18:00

7 attended multiple meetings on it. 14:18:03

8 Q. Do you recall ever telling 14:18:07

9 Mr. Gicinto or anyone else -- 14:18:11

10 A. Sorry. That's me. 14:18:12

11 Q. I'm sorry. Let me restate that. 14:18:14

[illegible]

13 Q. It's -- it's what happens after 14:18:18

14 you take two full days of depos. 14:18:20

15 [Laughter.] 14:18:22

16 Q. Do you recall ever telling 14:18:26

17 Mr. Jacobs or anyone else at Uber to remove or 14:18:29

18 not place information in a presentation or 14:18:35

19 other type of document about human intelligence 14:18:38

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20      collections?                                     14:18:44
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21 A. I don't recall ever stating that 14:18:46

22 to him. And as the manager of another team, 14:18:48

23 I'm not clear why he would even be presenting 14:18:52

24 on something that my team does. 14:18:54

25 Q. You don't recall having a 14:19:01

1 that those are untruthful characterizations 14:22:02
2 made by Mr. Jacobs. 14:22:06

3 MS. CHANG: Counsel, we've been 14:22:12
4 going for over an hour, so when you're 14:22:14
5 at a good stopping point maybe we can 14:22:16
6 take a break. 14:22:18

7 MR. KAPGAN: Okay. 14:22:21

8 BY MR. KAPGAN: 14:22:21

9 Q. Did Mr. Jacobs ever object to the 14:22:35
10 use of ephemeral communications? 14:22:39

11 A. No. To my knowledge he was an 14:22:43
12 avid user. 14:22:48

13 Q. Do you have any familiarity with 14:22:51
14 the incident that Jacobs alleged in his letter 14:22:55
15 about [REDACTED] 14:22:59

16 [REDACTED] 14:23:04

17 A. So I don't have the letter in 14:23:07
18 front of me. Forgive me. 14:23:09

19 Q. Are you familiar with Uber [REDACTED] 14:23:11

20 [REDACTED] 14:23:15

21 [REDACTED] 14:23:19

22 [REDACTED]s 14:23:22

23 [REDACTED] 14:23:29

24 A. No, I have no knowledge about 14:23:30
25 that. 14:23:31

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1	attend. Mat Henley attends and Susan Chiang	16:05:26
2	attends.	16:05:29
3	Q. Okay.	16:05:37
4	And are those all the people you	16:05:37
5	remember attending this meeting?	16:05:37
6	A. As far as I know, yeah.	16:05:37
7	Q. All right.	16:05:37
8	If you look at the second page, it	16:05:37
9	says TLDR. That stands for too long, didn't	16:05:39
10	read; right?	16:05:43
11	A. Too long, don't read.	16:05:44
12	Q. And this is basically an executive	16:05:45
13	summary of the document; is that fair?	16:05:48
14	A. That's fair, yes.	16:05:50
15	Q. And then the first bullet says:	16:05:50
16	"Success in autonomous vehicle	16:05:55
17	race ultimately hinges on the source code."	16:05:58
18	Do you see that?	16:06:01
19	A. I see that it says that, yes.	16:06:01
20	Q. And do you agree with that	16:06:03
21	statement?	16:06:05
22	A. It was conveyed to us that -- from	16:06:05
23	Uber engineers that -- that, ultimately, to get	16:06:07
24	to the highest AV level that, you know, it's up	16:06:12
25	to -- it's up to creation of a good source	16:06:17

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1	code.	16:06:20
2	Q. And the second bullet says:	16:06:20
3	"Giraffe leads the other 30-plus	16:06:22
4	companies in the race to field fully autonomous	16:06:24
5	vehicles."	16:06:29
6	Do you see that?	16:06:30
7	A. I see it.	16:06:30
8	Q. That's a reference to Google;	16:06:31
9	right?	16:06:32
10	A. Yes.	16:06:32
11	Q. And do you agree with that	16:06:34
12	statement?	16:06:35
13	A. I agree that that was likely the	16:06:36
14	assessment of the team at the time based on	16:06:38
15	whatever limited knowledge it may have of, you	16:06:43
16	know, autonomous vehicle from its -- its	16:06:47
17	open-source research.	16:06:49
18	Q. Did that include research	16:06:50
19	internally speaking to experts within Uber	16:06:52
20	about that subject?	16:06:56
21	A. Again, we didn't speak to experts	16:06:59
22	within Uber in requesting their assessment of	16:07:01
23	other companies, as I recall.	16:07:05
24	Q. You didn't speak to the ATG group	16:07:07
25	to get their views on the autonomous vehicle	16:07:10

1 Q. So did you receive validation from 16:09:19
2 Mr. Ron and Mr. Levandowski in February of 2017 16:09:23
3 that the number one focus of the SSG Group in 16:09:29
4 terms of research on autonomous vehicles should 16:09:32
5 be with respect to Google or Waymo? 16:09:33

6 A. It was articulated to us that that 16:09:35
7 was a primary interest of theirs, but it wasn't 16:09:39
8 necessarily what SSG focused on first or 16:09:41
9 initially. 16:09:44

10 Q. And did they tell you why that was 16:09:45
11 a primary interest to them? 16:09:47

12 A. No. 16:09:47

13 Q. If you turn to the next page, this 16:09:49
14 is ending in 931, it says "Baseline Research." 16:09:52
15 First bullet says: 16:09:56

16 "Source code, not hardware 16:09:58
17 automotive design, is the key to success. " 16:09:59

18 A. Yes. 16:10:02

19 Q. You agree with that? 16:10:02

20 A. I agree that that's what the -- 16:10:04
21 the engineers at ATG in Pittsburgh communicated 16:10:06
22 to us in terms of, you know, what they deemed 16:10:10
23 to be most critical in advancing our own AV 16:10:12
24 program. 16:10:17

25 Q. If you look at the next page, it's 16:10:18

1 Q. Based on your experience, did 17:16:08
2 you -- or do you agree with Mr. Ron that supply 17:16:12
3 chain members tend to be chatty? 17:16:17

4 A. I had no experience with supply 17:16:18
5 chain members, so I couldn't corroborate that 17:16:20
6 statement. 17:16:23

7 Q. Nonetheless, that's a statement 17:16:25
8 that Mr. Ron made; correct? 17:16:27

9 A. It's either a statement that he 17:16:29
10 made or that Mr. Russo is paraphrasing here. 17:16:31

11 Q. And Mr. Russo also is either 17:16:36
12 stating or paraphrasing Mr. Ron's conveying 17:16:41
13 that supply chain members not only are chatty, 17:16:44
14 but they're also good sources of insight into 17:16:47
15 competitor's plans, intentions and 17:16:50
16 capabilities; correct? 17:16:52

17 A. Again, my understanding is that's 17:16:53
18 based on the information that they make 17:16:55
19 publicly available. 17:16:56

20 Q. Well, it doesn't say that here. 17:16:59
21 It just says: 17:17:00

22 "Supply chain members are chatty 17:17:02
23 and are good sources of insight into a 17:17:03
24 competitor's plans, intentions and 17:17:05
25 capabilities." 17:17:06

1 Right? 17:17:07

2 A. Well, if Mr. Russo is paraphrasing 17:17:08
3 there, it's unclear specifically what Mr. Ron 17:17:09
4 was referring to. But I can state that our 17:17:13
5 team did not engage any supply chain members 17:17:15
6 that I am aware of in order to gain insight 17:17:20
7 into plans, intentions and capabilities. 17:17:26

8 Q. Okay. 17:17:32

9 And did any of Uber's vendors do 17:17:32
10 that, to your knowledge? 17:17:34

11 A. Not to my knowledge. 17:17:37

12 Q. Is there any reason for you to 17:17:39
13 believe that there was a vendor engaged by Uber 17:17:41
14 that spoke with supply chain vendors or 17:17:45
15 suppliers to any autonomous vehicle competitor 17:17:50
16 of Uber's? 17:17:54

17 A. Not to my knowledge. To my 17:17:55
18 knowledge, SSG isn't even aware of who the 17:17:57
19 supply chain members are related to Waymo. 17:18:01

20 Q. Did you ever make any effort to 17:18:04
21 identify who the supply chain members to Waymo 17:18:06
22 are? 17:18:08

23 A. Nope. 17:18:10

24 Q. Did Mr. Ron ever tell you or 17:18:10
25 Mr. Levandowski ever tell you who they were? 17:18:12

1 A. I have seen iterations of this 17:28:33
2 document. I don't know whether I've seen this 17:28:35
3 version specifically. 17:28:37

4 Q. There were multiple versions of 17:28:38
5 this document? 17:28:40

6 A. There were -- it was an ongoing 17:28:41
7 project by Anna Chung to create this document. 17:28:44
8 So in her progression of creating it, there 17:28:48
9 were multiple drafts as she -- as she worked 17:28:52
10 through the process of building it. 17:28:55

11 Q. What was the purpose of this 17:28:57
12 document? 17:28:58

13 A. The purpose of this document was 17:29:06
14 to establish standards for -- for conducting 17:29:06
15 Internet and virtual research against persons 17:29:13
16 or groups of interest, which for us is a -- a 17:29:21
17 term used in physical security to mean 17:29:24
18 individuals who are threatening Uber or Uber 17:29:26
19 equities or resources. 17:29:30

20 Q. Was the purpose of this document 17:29:31
21 solely to establish standards with respect to 17:29:34
22 doing research in connection with individuals 17:29:42
23 or groups who are threatening Uber? 17:29:47

24 A. Yes. That's what a POI or a GOI 17:29:49
25 is in our vernacular. 17:29:52

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1 Q. Okay. 17:29:55

2 So a POI or GOI refers only to 17:29:56

3 folks who are potential threats to Uber? 17:30:00

4 A. Correct. The physical security 17:30:02

5 team maintains a list of persons of interest 17:30:04

6 and groups of interest because of some sort of 17:30:06

7 a threatening posture -- threats that they've 17:30:08

8 actually made to the company, physical issues 17:30:12

9 that have been observed on the platform, 17:30:15

10 something to that effect -- all over the world. 17:30:17

11 And so this virtual ops capability playbook is 17:30:21

12 in support of what would be, you know, 17:30:26

13 misattributable research into those types of 17:30:30

14 entities to protect Uber, to protect the 17:30:33

15 identity of the researcher. 17:30:38

16 Q. Let me show you what was marked as 17:30:41

17 Exhibit 9231. 17:30:43

18 A. Okay. 17:30:45

19 Q. Have you seen this document 17:30:45

20 before? 17:31:02

21 A. I've -- I've seen -- I have not 17:31:04

22 seen the document, but I've seen -- I believe 17:31:06

23 I've seen the presentation. 17:31:08

24 Q. Were there other iterations of 17:31:10

25 this presentation that you're aware of? 17:31:13

1	activities or how they changed or didn't	17:56:45
2	change.	17:56:47
3	Q. Let me show you Exhibit 9204.	17:56:49
4	Have you seen this document before?	17:57:05
5	A. I don't recall seeing this	17:57:07
6	document, no.	17:57:08
7	Q. Is this -- do you know whether	17:57:11
8	someone in your group created this?	17:57:12
9	A. My guess is that someone in my	17:57:15
10	group did create this as it related to SSG	17:57:16
11	attending CES 2017.	17:57:20
12	Q. That's what you were mentioning	17:57:22
13	earlier; right?	17:57:24
14	A. Yes.	17:57:25
15	Q. Do you see under priorities of	17:57:26
16	collection, there is a number -- number of	17:57:27
17	items?	17:57:29
18	A. Yes.	17:57:29
19	Q. Number one is source code?	17:57:31
20	A. Yes.	17:57:32
21	Q. What do you understand that to	17:57:33
22	refer to?	17:57:34
23	A. I understand that to refer to	17:57:35
24	interest in, you know, comments, discussions	17:57:41
25	made publicly at CES related to source code as	17:57:45

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1 we understood that to be an important aspect of 17:57:48
2 the success of an autonomous program. 17:57:51

3 Q. Did you have any expectation that 17:57:53
4 anyone at CES would make any comments about 17:57:55
5 source code? 17:57:59

6 A. I don't know that we necessarily 17:58:01
7 knew what to expect. But we wanted to be 17:58:02
8 prepared in understanding what would be 17:58:06
9 important. 17:58:08

10 Q. Did Mr. Ron or Mr. Levandowski 17:58:09
11 indicate that this -- that source code or 17:58:12
12 information about source code should be a 17:58:15
13 priority in terms of your collection efforts in 17:58:17
14 2017? 17:58:19

15 A. We attended CES prior to ever 17:58:20
16 meeting Mr. Ron or Mr. Levandowski. So CES was 17:58:25
17 more of a background research project for SSG 17:58:28
18 to get better informed about players in the 17:58:31
19 autonomous space. 17:58:33

20 Q. But you knew that source code was 17:58:34
21 important at least from the ATG group? 17:58:36

22 A. Based on the discussions we had 17:58:38
23 with our engineers in November who stated the 17:58:40
24 importance of source code to our own project, 17:58:43
25 yes. 17:58:45

1 Q. Did you have any expectation or 17:58:45
2 indication as to how you would obtain 17:58:49
3 information about source code at CES 2017? 17:58:52

4 A. Absolutely not. 17:58:57

5 Q. Did you -- 17:58:58

6 A. We had no expectation or plans to 17:58:59
7 try and obtain source code. 17:59:01

8 Q. Okay. 17:59:02

9 But, nonetheless, in this document 17:59:03
10 the first priority under collection is source 17:59:06
11 code; right? 17:59:08

12 A. I see what it says, yes. But it 17:59:10
13 doesn't mean that we were trying to collect it. 17:59:12
14 It meant that it was a topic of interest. The 17:59:14
15 purpose at CES is to, again, listen to public 17:59:19
16 presentations by speakers in the autonomous 17:59:27
17 space. If they happen to discuss source 17:59:29
18 code-related topics, that would have been 17:59:31
19 something to pay attention to because we 17:59:32
20 understood source code to be important. 17:59:34

21 Q. Prior to attending CES 2017, your 17:59:37
22 testimony is you had no actual plan on how you 17:59:40
23 would collect information about source code? 17:59:44

24 A. We had no intention or plans to 17:59:46
25 collect source code. 17:59:49

1 Q. Well, you had a priority for 17:59:50
2 collection listed here. Number one priority is 17:59:53
3 source code; right? 17:59:56

4 A. As a topic of conversation 17:59:58
5 publicly, it would be something that we should 18:00:02
6 pay attention to but not as a particular item 18:00:06
7 that we were trying to collect on specifically. 18:00:09
8 As it -- if you were inferring, you know, 18:00:14
9 collecting somebody's proprietary source code, 18:00:18
10 no, that was not our intention. 18:00:20

11 Q. I'm just reading what's in the 18:00:22
12 document. Number one priority, source code. 18:00:23

13 A. And I'm clarifying for you what's 18:00:26
14 in the document. 18:00:28

15 Q. There are a number of other items 18:00:29
16 under collection, including competitor 18:00:31
17 relationships and supply chain issues as well 18:00:34
18 as technological limitations and hurdles. 18:00:37

19 Do you see those? 18:00:40

20 A. Yes. 18:00:40

21 Q. Did you collect any information on 18:00:42
22 those subjects at CES 2017? 18:00:44

23 A. I don't believe so. My 18:00:48
24 understanding was that CES was not a valuable 18:00:49
25 use of our time. And half of us weren't able 18:00:55

1	to attend as planned, so our resources were	18:01:00
2	limited.	18:01:03
3	Q. Did Mr. Nocon and Ms. Chung attend	18:01:03
4	the conference?	18:01:06
5	A. Yes.	18:01:06
6	Q. Anyone else from your team attend	18:01:08
7	the conference?	18:01:10
8	A. No.	18:01:10
9	Q. Number one priority in terms of	18:01:13
10	organizations and collecting information about	18:01:15
11	organizations is listed as Google; is that	18:01:19
12	right?	18:01:19
13	A. Correct.	18:01:22
14	Q. All right.	18:01:22
15	Do you recall receiving the report	18:01:37
16	from CES 2017 about a conversation that	18:01:39
17	Ms. Chung had with a Korean supplier of LiDAR	18:01:45
18	systems?	18:01:50
19	A. I recall receiving a report. I	18:01:50
20	don't recall receiving a report, but I do	18:01:55
21	recall the instance.	18:01:57
22	Q. Do you recall that Ms. Chung	18:02:01
23	learned that this South Korean LiDAR company	18:02:04
24	claimed to be a potential vendor to Google?	18:02:10
25	A. As I recall, yes, they boasted	18:02:14

1 about a potential relationship. 18:02:18

2 Q. And I'll show you Exhibit 9210. 18:02:22

3 Can you confirm for me that this is the report 18:02:26

4 that we were just discussing? 18:02:29

5 A. Yes. 18:02:29

6 Q. Was this report circulated outside 18:02:49

7 of the SSG Group? 18:02:51

8 A. I do not believe it was. I 18:02:55

9 believe the nature of what is described here 18:02:58

10 was discussed with Mr. Levandowski in the 18:03:04

11 February 14 meeting, and he confirmed that the 18:03:09

12 information was garbage and not of interest. 18:03:12

13 Q. Do you know how he knew that? 18:03:16

14 A. I believe his comment was 18:03:18

15 something to the effect of: 18:03:19

16 "There are so many suppliers who 18:03:23

17 would claim to have partnerships in order to 18:03:24

18 gin-up business that it's difficult to assess 18:03:28

19 anyone as credible." 18:03:31

20 Q. Did he indicate that this 18:03:34

21 basically was a false report from the South 18:03:36

22 Korean LiDAR company? 18:03:40

23 A. I don't recall whether he deemed 18:03:44

24 it to be false. I think he questioned the 18:03:46

25 credibility because, in general, he understood 18:03:50

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1 vendors, particularly at trade shows, to -- to 18:03:54
2 boast such things in order to gin-up interest 18:03:58
3 in business. And that was a -- certainly a 18:04:00
4 learning experience for our team, that things 18:04:03
5 of this nature were not useful. 18:04:05

6 Q. Did he suggest to you other ways 18:04:07
7 that you could collect relevant information or 18:04:09
8 information that he would find relevant with 18:04:12
9 respect to autonomous vehicle competitors? 18:04:15

10 A. No. He simply stated that this 18:04:18
11 was not a good use of time. 18:04:20

12 Q. Did he suggest other ways that you 18:04:22
13 could collect information that would be useful 18:04:24
14 to him? 18:04:26

15 A. What came out of that meeting, 18:04:26
16 again, was the priorities outlined in the 18:04:28
17 document we were discussing previously. I can 18:04:29
18 look up the number if you would like. 18:04:32
19 But -- 9205. That's what he outlined as the 18:04:39
20 issues that he wanted us to focus on. 18:04:42

21 Q. Do you recall working on a data 18:04:55
22 retention policy document with Craig Clark for 18:04:55
23 this SSG Group? 18:04:56

24 A. I re- -- I don't know that I 18:04:59
25 recall -- vaguely. 18:05:07

1 Q. To your knowledge, did the 18:15:10
2 Dropboxes used by SSG ever contain Waymo or 18:15:11
3 Google information? 18:15:15
4 A. No, not to my knowledge. 18:15:16
5 Q. To your knowledge, did the 18:15:19
6 Nextcloud system used by SSG ever contain Waymo 18:15:21
7 or Google information? 18:15:24
8 A. It's possible that some of the 18:15:33
9 documents we've discussed today were -- resided 18:15:34
10 in the Nextcloud system, and some of these 18:15:39
11 documents that we've discussed have referenced 18:15:41
12 Waymo. 18:15:44
13 Q. I want to draw a distinction 18:15:48
14 between documents that reference Waymo or 18:15:49
15 Google and documents that belong to Waymo or 18:15:51
16 Google. 18:15:53
17 A. Oh, I'm sorry. 18:15:53
18 Q. To your knowledge, did the 18:15:55
19 Nextcloud system used by SSG ever contain Waymo 18:15:56
20 or Google information? 18:16:00
21 A. Owned by Waymo or Google? 18:16:04
22 Q. That's right. 18:16:06
23 A. No. No, it did not. 18:16:06
24 Q. To your knowledge, did any 18:16:09
25 nonattributable or misattributable device ever 18:16:12

1	contain any Waymo or Google information?	18:16:16
2	A. No. It never -- they never	18:16:22
3	contained information to my knowledge that was	18:16:24
4	the property of Waymo or Google.	18:16:27
5	MS. CHANG: No further questions.	18:16:29
6	MR. KAPGAN: Just real quick.	18:16:31
7	FURTHER EXAMINATION	18:16:42
8	BY MR. KAPGAN:	18:16:42
9	Q. Do you stand by all the testimony	18:16:47
10	that you gave in response to my questions	18:16:48
11	today?	18:16:51
12	A. Yes.	18:16:51
13	Q. Is there any testimony that you	18:16:53
14	believe you need to change?	18:16:54
15	A. None that I can think of.	18:17:00
16	Q. And to be clear, you never did an	18:17:01
17	investigation into Mr. Levandowski's use of	18:17:04
18	Google or Waymo confidential information or	18:17:09
19	trade secrets; correct?	18:17:12
20	A. Correct.	18:17:13
21	MR. KAPGAN: No more questions.	18:17:14
22	MS. CHANG: I would just like to	18:17:17
23	state on the record that we reserve	18:17:18
24	Mr. Gicinto's right to correct any	18:17:20
25	testimony as part of his errata.	18:17:23

C E R T I F I C A T E

I, PAUL J. FREDERICKSON, CA
Certified Shorthand Reporter No. 13164 and
WA Certified Court Reporter No. 2419, do
hereby certify:

That prior to being examined,
the witness named in the foregoing
deposition was by me duly sworn or affirmed
to testify to the truth, the whole truth and
nothing but the truth;

That said deposition was taken
down by me in shorthand at the time and
place therein named, and thereafter reduced
to print by means of computer-aided
transcription; and the same is a true,
correct and complete transcript of said
proceedings.

I further certify that I am not
interested in the outcome of the action.

Witness my hand this 22nd day
of December 2017.



PAUL J. FREDERICKSON, CCR, CSR

WA CCR 2419 CA CSR 13164

Expiration date: March 31, 2018